IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL REVISION APPLICATION NO.324 OF 2004

Mohammad Irfan Babamiya Shaikh ...Applicant
Vs.
The State of Maharashtra ...Respondent

Shri S.R. Khalife i/by Shri Amin Solkar for the Applicant.
Ms M.M. Deshmukh, A.P.P. for the Respondent.

CORAM : A. S. OKA, J.
DATE : OCTOBER 04, 2005.

ORAL JUDGMENT:

1. By the Order dated 29th April, 2005, this Court held that no interference is called for with the finding that the Applicant is guilty of the offence under section 332 of the Indian Penal Code. This Court, therefore, observed that Revision Application was liable to be rejected in so far as the conviction of the Applicant is concerned.

2. By the same order, this Court directed that report of the Probation Officer should be called for for considering whether provisions of section 360 of the Code of Criminal Procedure, 1973 should be applied. This Court granted ad-interim relief in favour of the Applicant. Accordingly, Probation Officer has filed a report dated 30th August, 2005. The report discloses that considering the family background and antecedents of the Applicant, he

deserves protection of Section 4 of the Probation of Offenders Act, 1958. It appears from the report that on the date of commission of the offence, the age of the Applicant was about twenty-five years. At present he is working as a driver.

3. The conviction of the Applicant is under section 332 of the Indian Penal Code. Considering the report of the Probation Officer, in my view, the Applicant deserves to be enlarged on probation subject to usual conditions.

4. Hence, I pass the following order:

: O R D E R :

i) The order of conviction of the Applicant is confirmed.

ii) Instead of sentencing the Applicant at once to the punishment, the Applicant shall be released on probation on his entering into a bond in the sum of Rs.10,000/- with one or two local sureties in the like amount to appear and receive sentence when called upon during

the period of one year and in the meantime, to keep peace and maintain good behaviour.

iii) The Applicant while on probation shall be under the control and supervision of the District Probation Officer.

iv) Revision Application is disposed of in above terms.

JUDGE